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FORM 7-5

7-25

DEC 09 2011

Practitioner's Docket No. 712-002,165 (QC-0273)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☐ In re application of: Michael A. DAVIS et al.
Application No.: 09/648,525 Group No.
Filed: 26 August 2000 Examiner:
For: Optical Filter Having a Shaped Filter Function

☒ Patent No.: 7,386,204 Issued: 10 June 2008

**NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

Box M. Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
(37 C.F.R. § 1.27(g)(2))

NOTE: 37 C.F.R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
37 C.F.R. § 1.8(a)

- ☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10 *

- ☐ as "Express Mail Post Office to Addressee"

Mailing Label No. (mandatory)

TRANSMISSION

- ☒ facsimile transmitted to the Patent and Trademark Office, (571) 272-5500.

Date: 9 Dec 2011

Signature

Debbie A. Crucitti

(type or print name of person certifying)

** Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

(Notification of Loss of Entitlement to Small Entity Status [7-5]-page 1 of 3)

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NOTE: From the above portion of 37 C.F.R. § 1.27(g)(2), it is only a change in status resulting in "loss of entitlement to small entity status" that must be filed and a change from one small entity status to another small entity status requires no notification.

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

1. Applicant asserted small entity status in this application on 23 April 2008 (date)

(complete all items below which apply)

☐ payment of the basic ☐ filing ☐ national fee as a small entity (37 C.F.R. § 1.27(c)(3))

☒ submission of a written assertion of small entity status (37 C.F.R. § 1.27(c)(1))

WARNING: "Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

2. Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.

WARNING: "The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b)." 37 C.F.R. § 1.27(g)(2).

35 C.F.R. § 1.33(b):

"(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(i) of this part, filed in the application must be signed by:

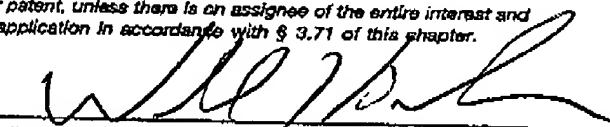
(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Date 12/8/11


(type or print name of person signing statement)

William J. Barber

Signature Registration No.: 32,720

☐ Inventor(s)

☐ Assignee(s) of record of the entire interest

See 37 CFR 3.71, Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SS/96)

☐ Person authorized to sign on behalf of assignee

☒ Practitioner of record under § 34(b)

☐ Filed under § 34(a)

Registration No:

(if applicable)

Telephone No. (203) 261-1234

Reg. No. 32,720

Customer No. 04955

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